Negotiation Essentials

March 24, 2022

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Max's Bio

Negotiation Advisory and Training

THE FLETCHER SCHOOL
TUFTS UNIVERSITY

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PROGRAM ON NEGOTIATION
HARVARD LAW SCHOOL

HARVARD HUMANITARIAN INITIATIVE

vendr

vantage PARTNERS

groupsense

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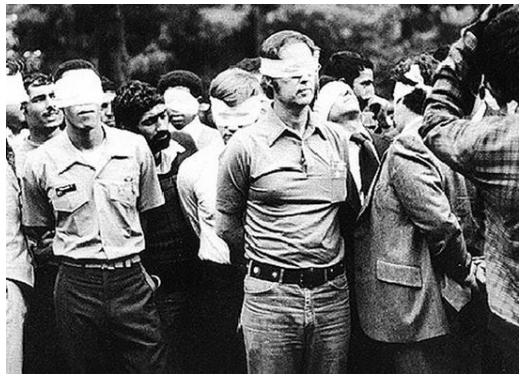
Harvard Negotiation Project (HNP)

1978 Israeli-Egypt Peace Agreement

1990's End of South African Apartheid

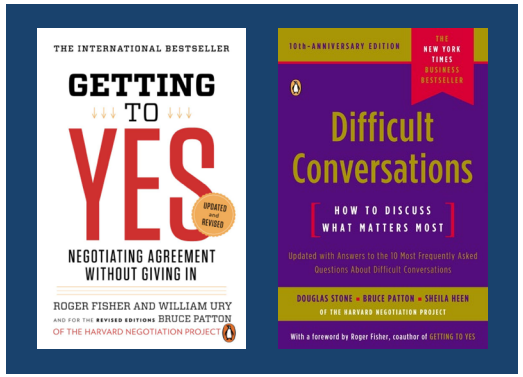
1998 Agenda for US/Soviet Summits

WWII



1981 Iran Hostage Crisis

1998 Ecuador-Peru Peace Agreement



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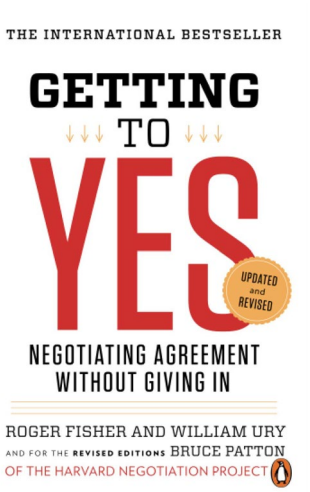
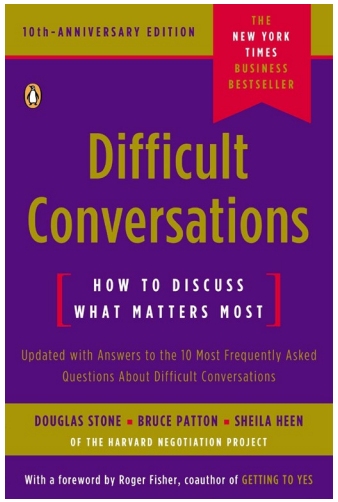
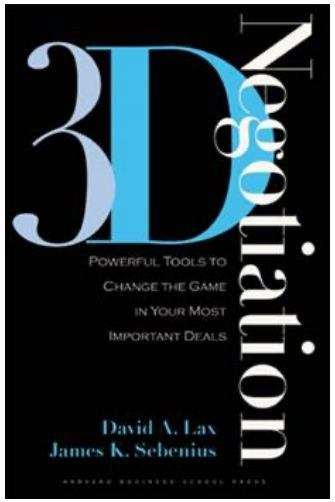
Harvard Negotiation Project (HNP)

Bridging Theory and Practice







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Bidding Game

The Rules

1. Whoever has the highest bid wins this $20 bill
2. The catch is that the second highest bidder must also pay their bid
3. The bidding starts at $1
4. You can only bid in $1 increments
5. The game will conclude when I finish the sentence, "*Going once, Going twice, sold.*" without the interruption of a bid.

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Debrief

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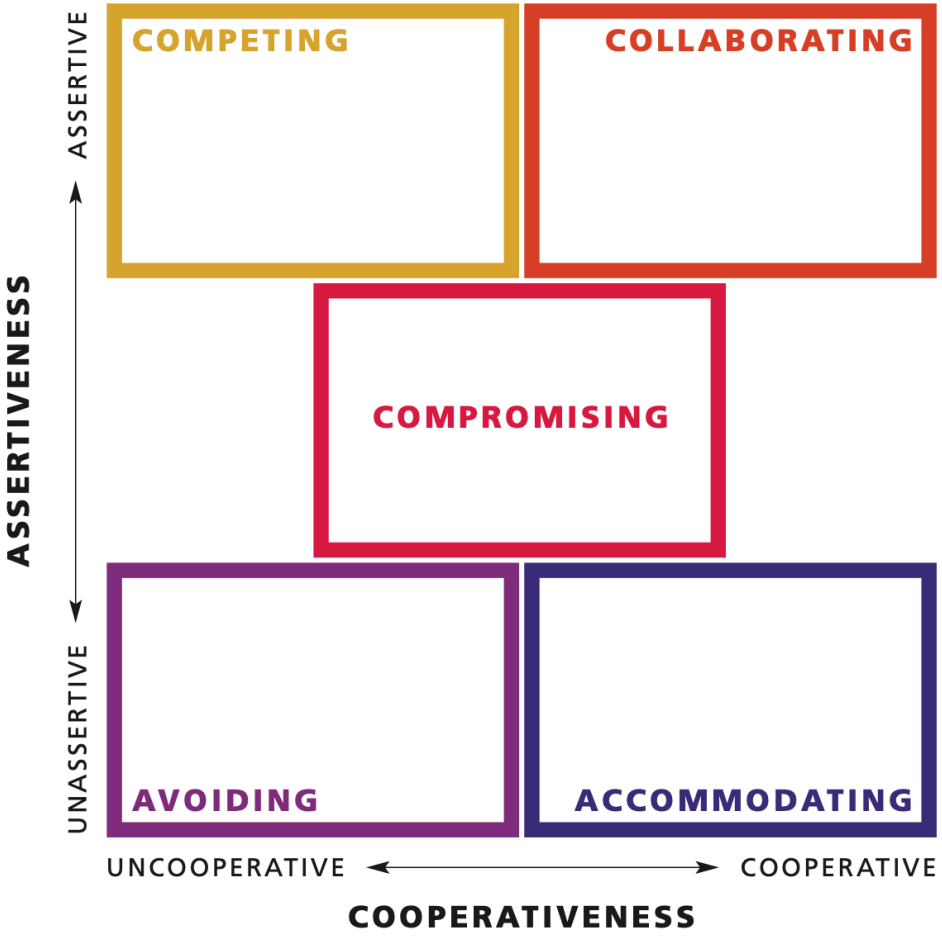
Your Conflict Profil



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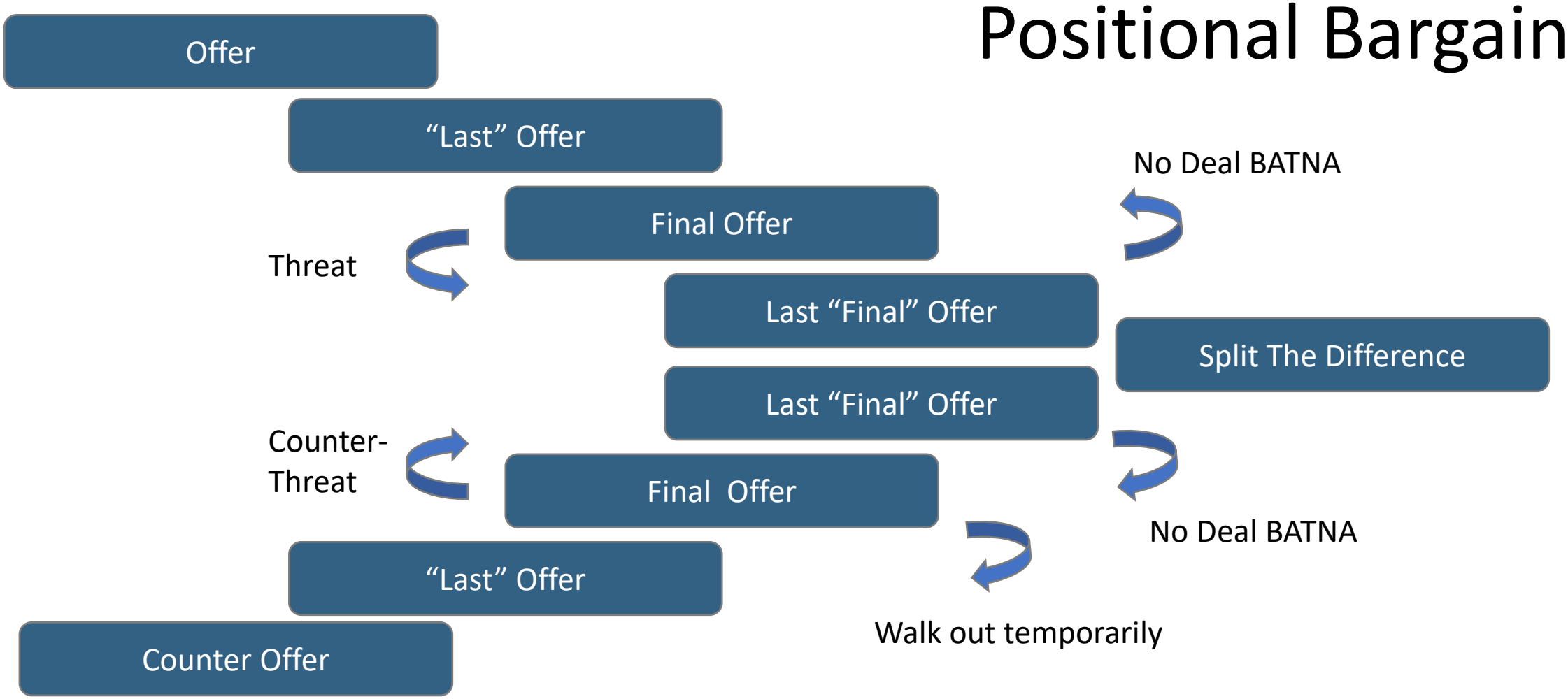
Positional Bargaining



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Positional Bargaining

PROS	CONS
• Quick • Easy to Understand • Feels productive • Requires little to no preparation	• Rewards obstinacy • Obscures interests • Arbitrary outcomes • Hard on relationship • Teaches concessions

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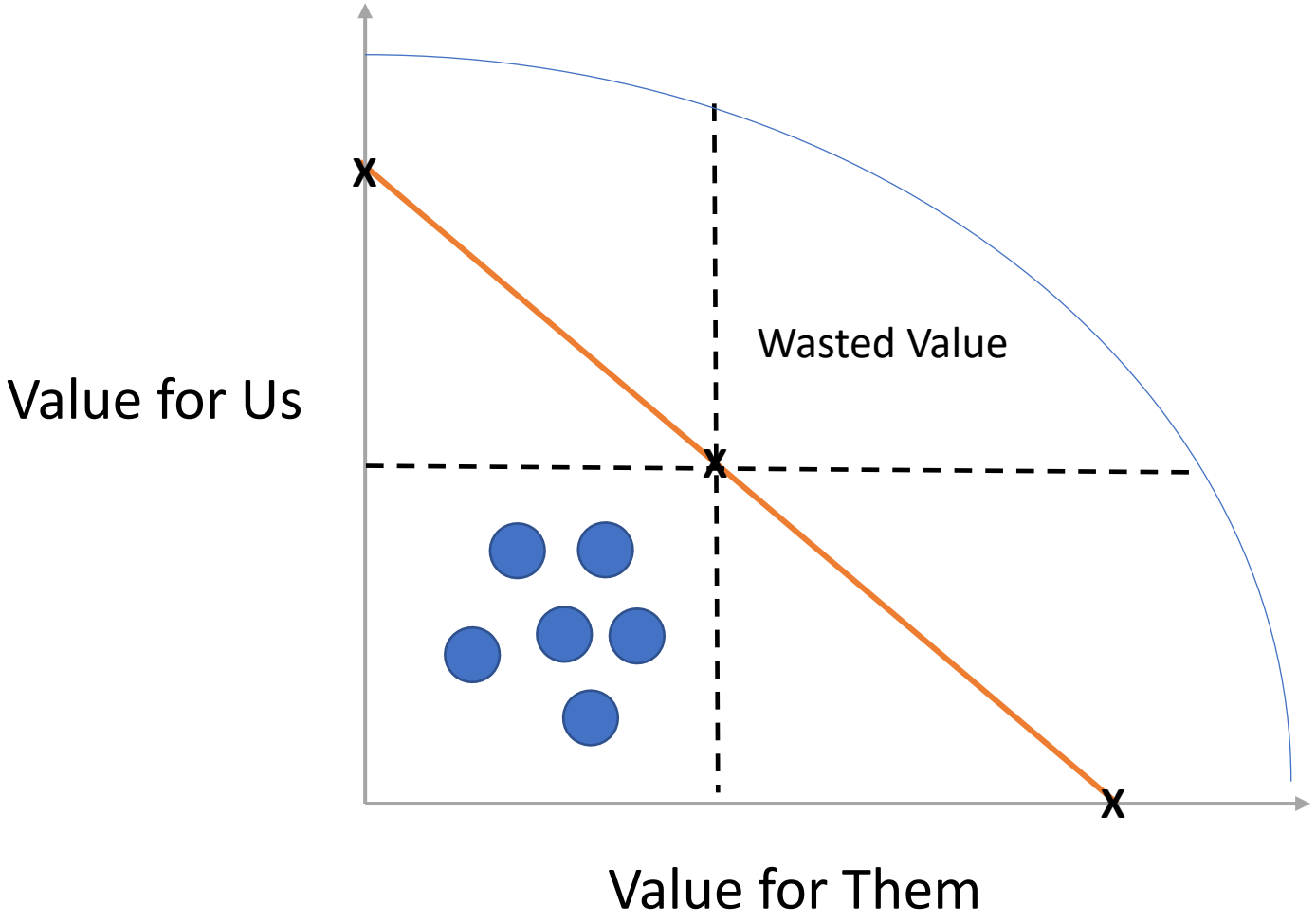
The Pareto Frontier



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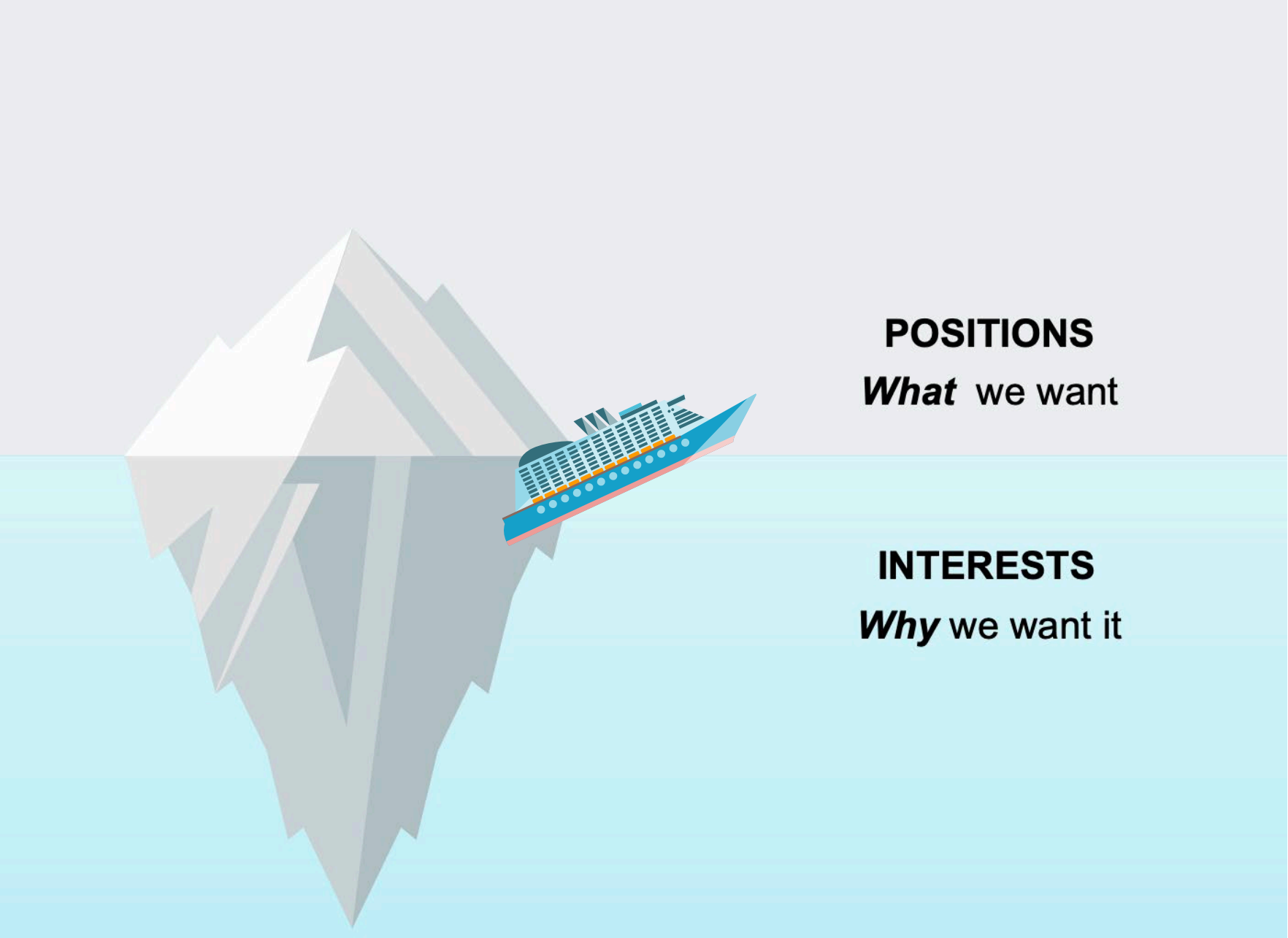
Positions vs. Interests



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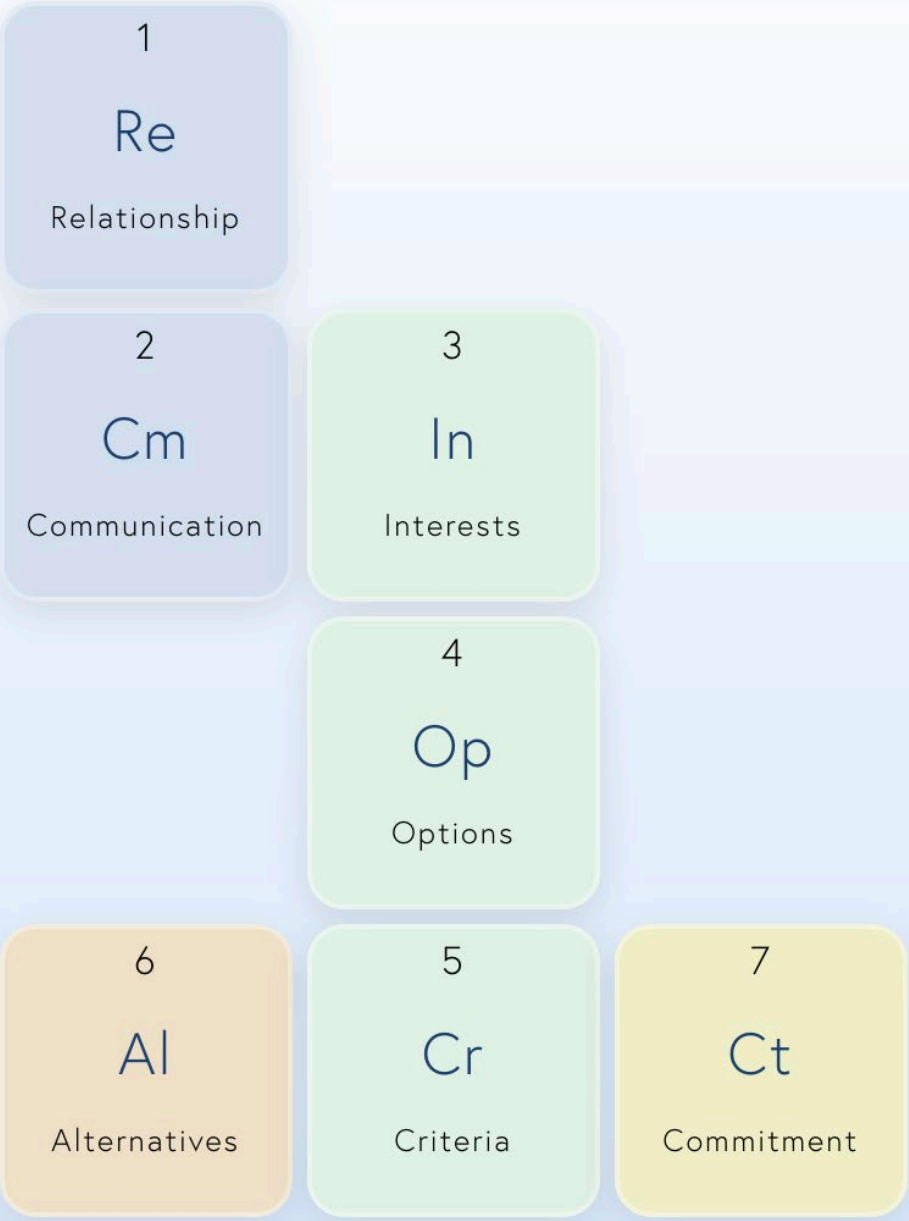
The 7 Elements



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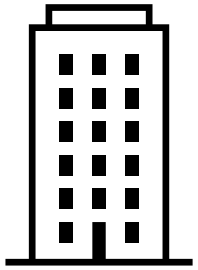
Options

4

Op

Options

***O**ptions are **O**n the Table*



I want to live on the 4th floor

Sorry, nothing available

Potential Interests:

- The view
- Get exercise
- Avoid noise

Options:

- Another apartment/property
- Provide exercise equipment
- Avoid noise

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The Power of Fairness

Criteria

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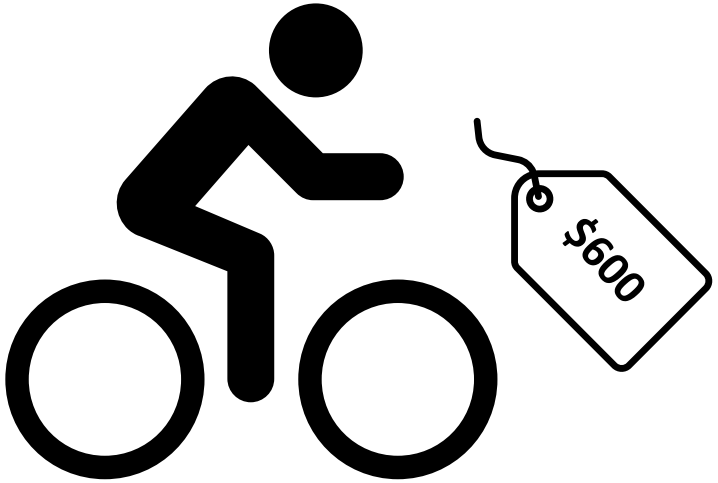
Alternatives

***A**lternatives **A**way from the Table*



What is my BATNA if I am prioritizing:

Time?

Money?

Ease?

BATNA = Best Alternative to a Negotiated Agreement

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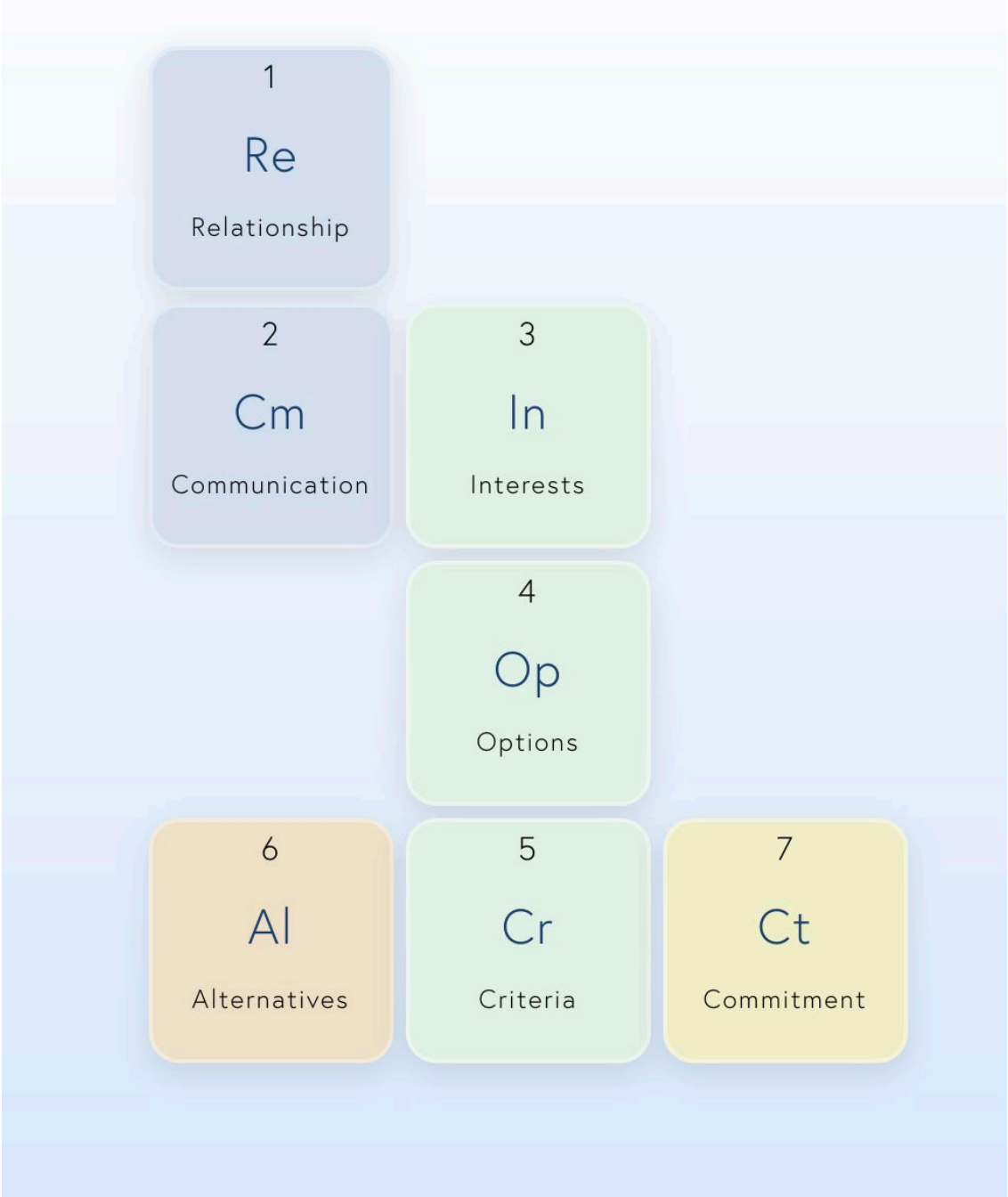
The 7 Elements



- Analyze and invest in **relationship** and **communication**
- When in doubt get to the green elements
- Introduce **alternatives** carefully (they can escalate)
- **Commit** early on process and late on substance

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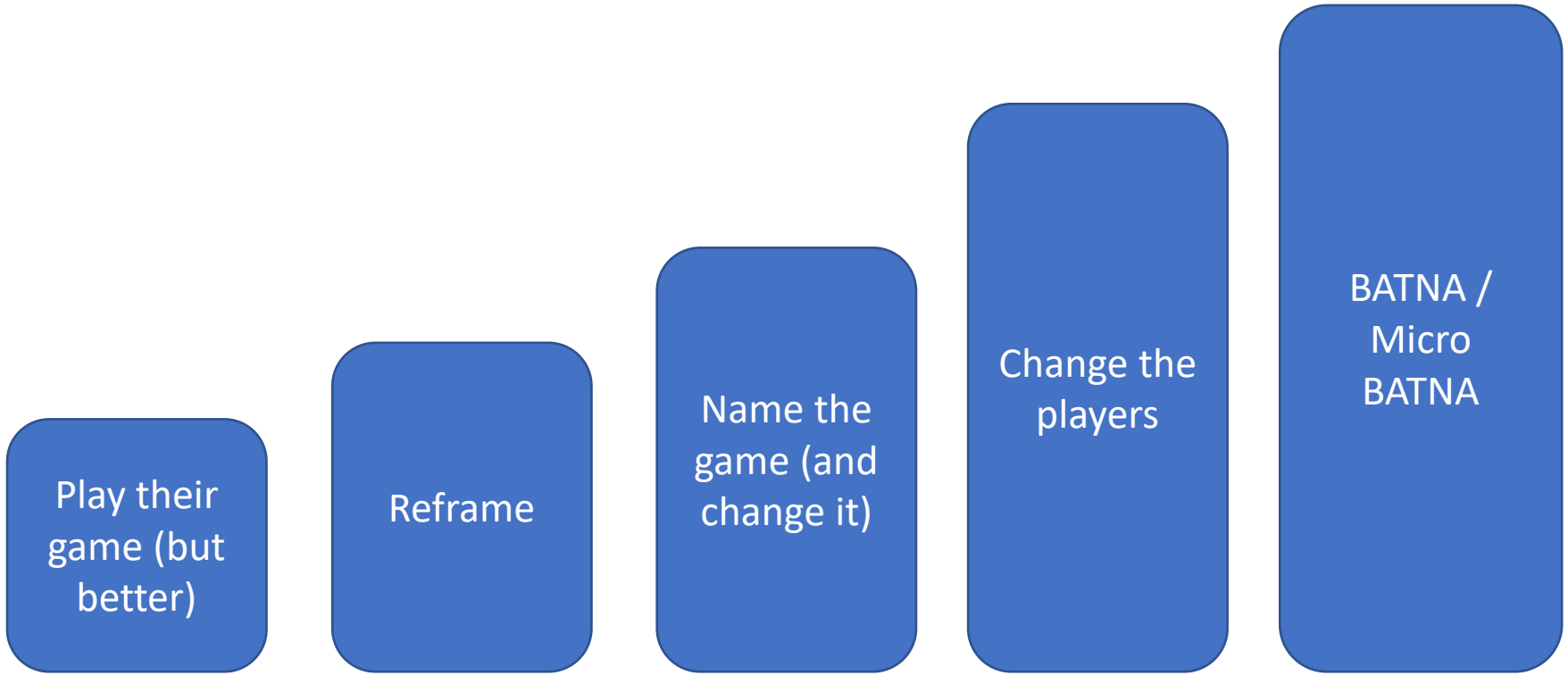
Responding to Difficult Tactics



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Surgeon's Tone of Voice

A Clue to Malpractice History

Methods

- **Two 10-second clips** were extracted for each surgeon from the first and last minute of their interactions with 2 different patients.
- Several variables were rated that assessed warmth, hostility, dominance, and anxiety from 10-second voice clips with content and 10-second voice clips with just voice tone.

Conclusions

- Surgeon's tone of voice in routine visits (even without content) predicted with 95% accuracy the likelihood of being sued for malpractice.

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Dr. Nalini Ambady, Debi Laplante, Thai Nguyen, Robert Rosenthal, Nigel Chaumeton, Wendy Levinson. 2002 Jul;132(1):5-9.

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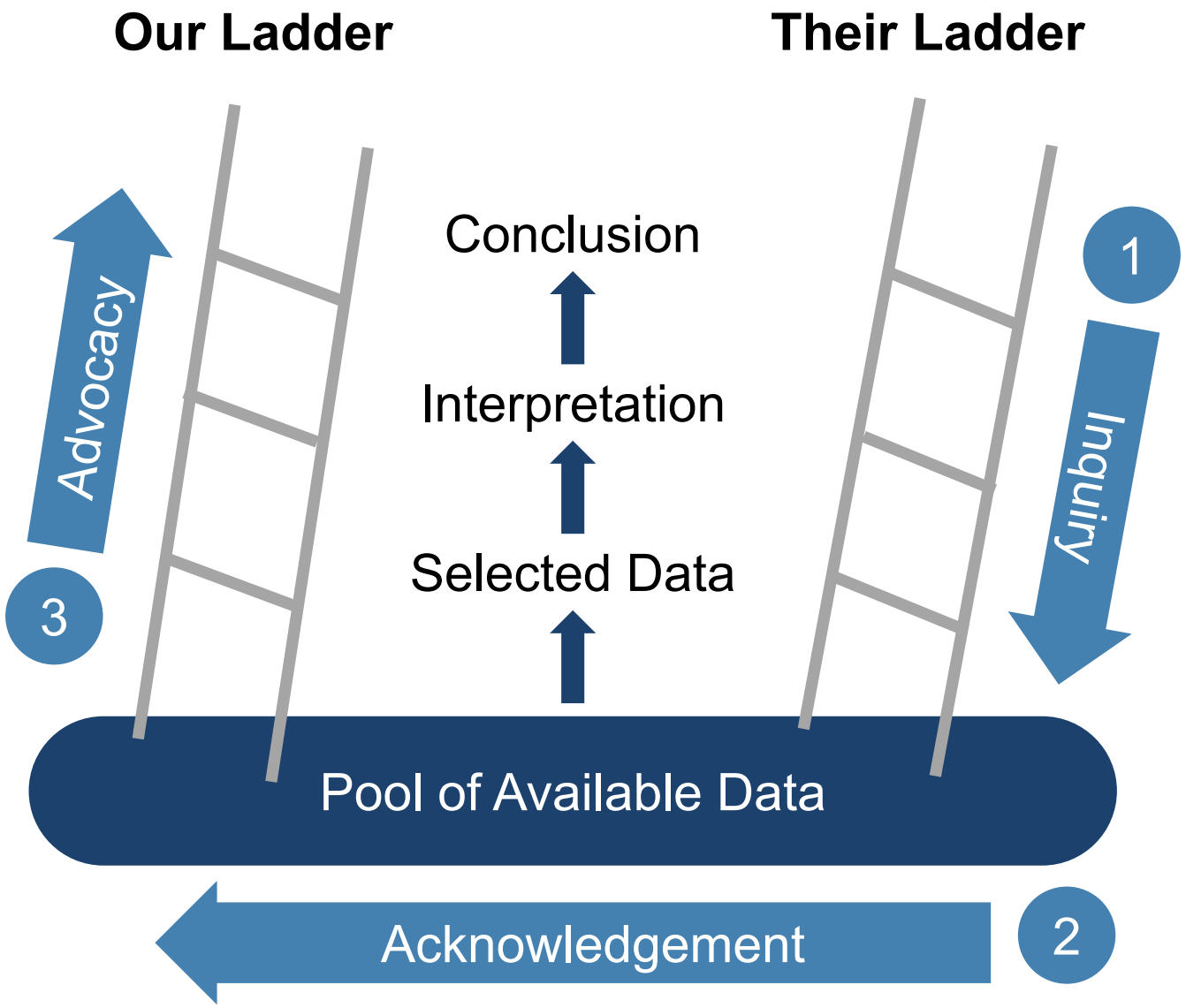
The Ladder of Inference



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Argyris, Chris, Robert Putnam, and Diana McLain Smith. Action Science: Concepts, Methods, and Skills for Research and Intervention. Jossey-Bass. San Francisco: 1985.

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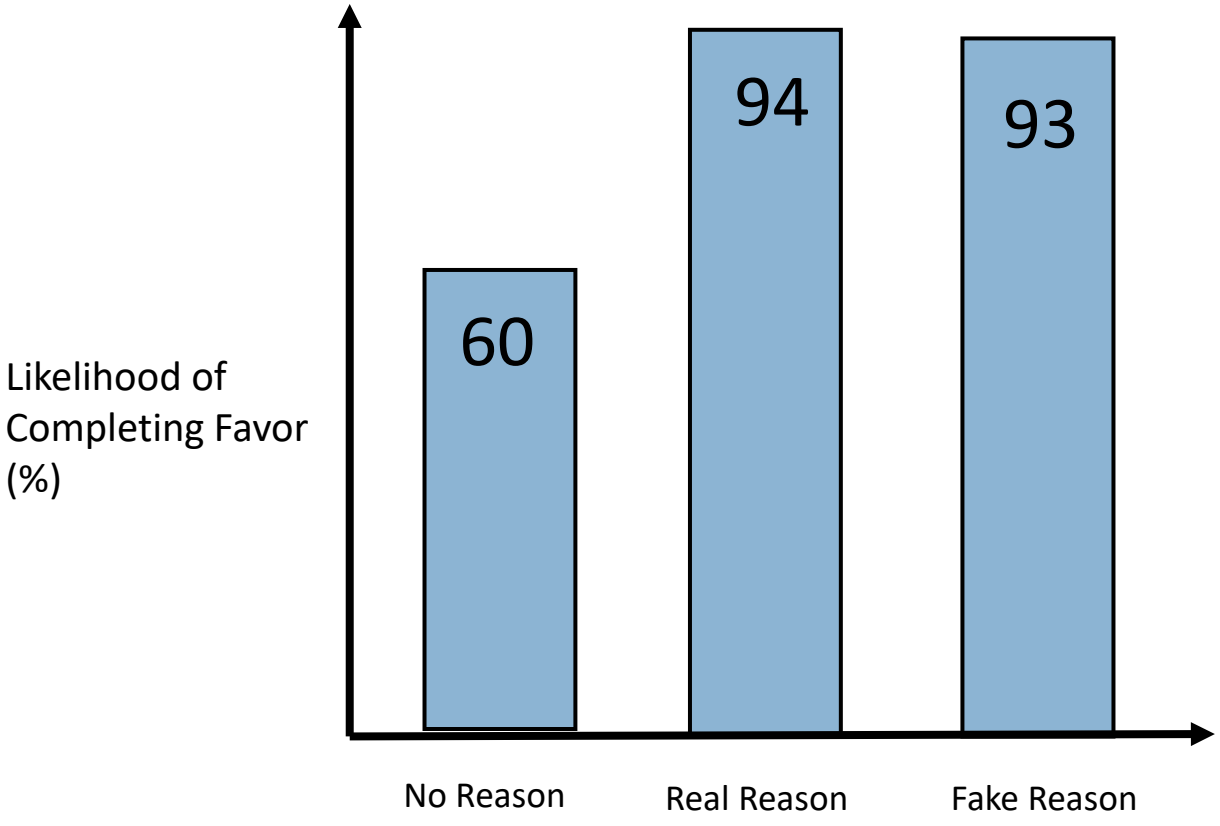
The Copy Machine Study

"A well-known principle of human behavior says that when we ask someone to do us a favor we will be more successful if we provide a reason. People simply like to have reasons for what they do."

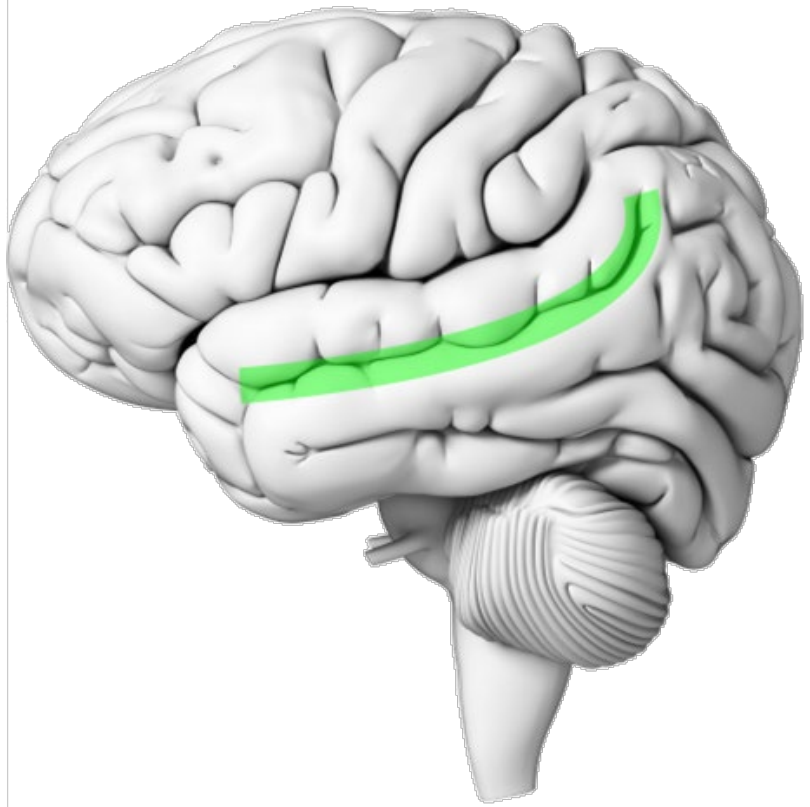
- Robert Cialdini



Detecting Tone

The superior temporal sulcus (STS)

- The part of the brain that detects tone
- Turns *off* when we speak
- We are all "tone deaf" when we are speaking, meaning that we may not be managing our tone as much as we think we are



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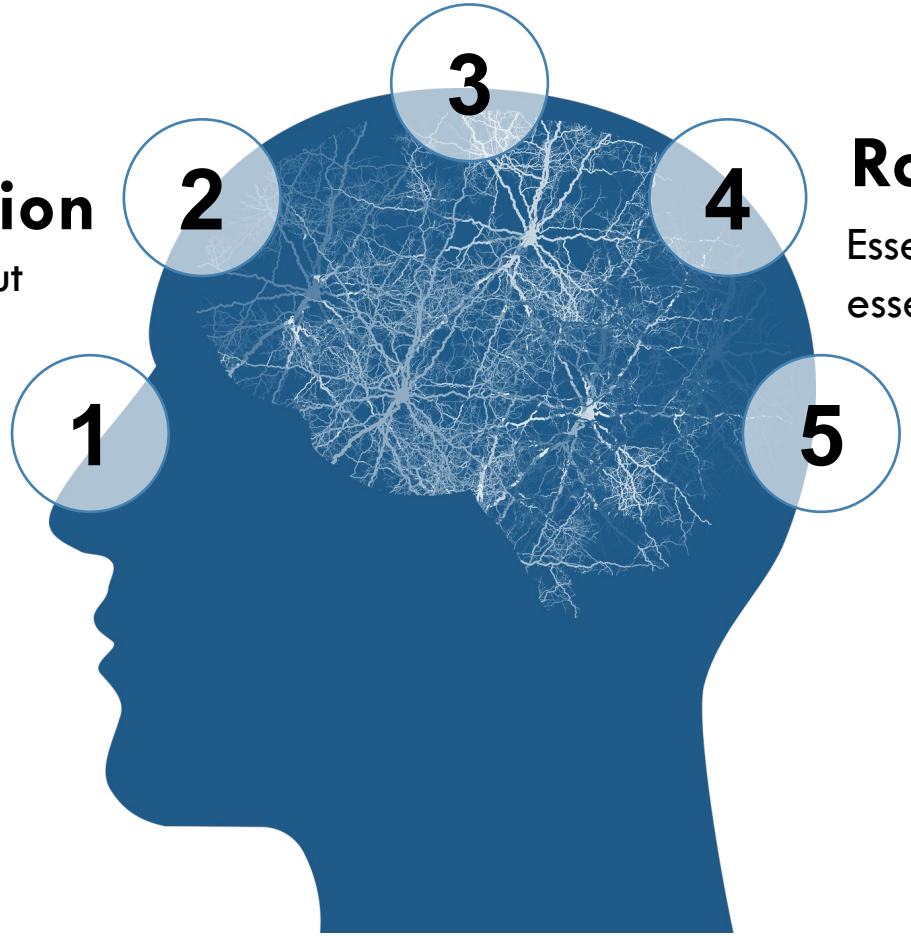
Heen, Sheila, and Doug Stone. *Thanks for the Feedback: The Science and Art of Receiving Feedback Well*. Penguin Publishing. New York: 2014.

5 Core Concerns



Appreciation
Seen or Invisible

3

Affiliation
In or Out

2

4

Role
Essential vs. Non-essential

Autonomy
Control or Controlled

1

5

Status
Up or down

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Fisher, Roger and Daniel Shapiro: Beyond Reason: Using Emotions as You Negotiate. Penguin Publishing. London, 2005.

3 modes

- Advocacy
- Inquiry
- Acknowledgment

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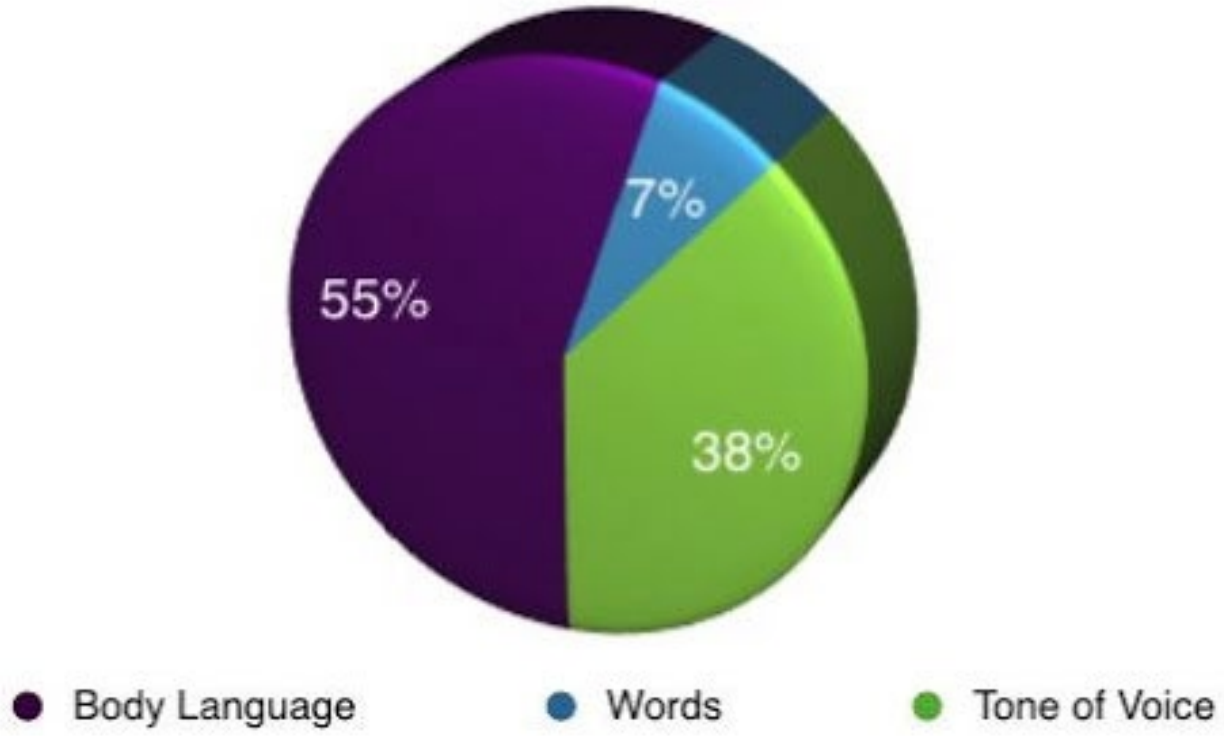
Dr. Albert Mehrabian's 7-38-55% Rule

Not *what* we say but *how* we say it

- 7% spoken words
- 38% voice, tone
- 55% body language



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